

MINUTES

MONTANA SENATE 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON BUSINESS AND LABOR

Call to Order: By **CHAIRMAN MIKE TAYLOR**, on February 1, 2001 at 8:00 A.M., in Room 422 Capitol.

ROLL CALL

Members Present:

Sen. Mike Taylor, Chairman (R)
Sen. Mike Sprague, Vice Chairman (R)
Sen. Edward Butcher (R)
Sen. Vicki Cocchiarella (D)
Sen. Sam Kitzenberg (R)
Sen. Dale Mahlum (R)
Sen. Glenn Roush (D)
Sen. Don Ryan (D)

Members Excused: Sen. Dale Berry (R)

Members Absent: None.

Staff Present: Bart Campbell, Legislative Branch
Kyanne Kelly, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 71, 1/29/2001; SB 277,
1/29/2001; HB 155, 1/29/2001
Executive Action: SB 253; HB 51; HB 19; SB 121;
SB 219

HEARING ON HB 71

Sponsor: REPRESENTATIVE DAVE GALLIK, HD 62, HELENA

Proponents: Tom Schneider, MT Public Employees' Association
Jack Holstrom, State Board of Appeals

Opponents: None

Opening Statement by Sponsor:

{Tape : 1; Side : A; Approx. Time Counter : 1.7}

REPRESENTATIVE DAVE GALLIK, HD 52, HELENA, said this is a housekeeping measure which clarifies the applicability of Montana's minimum wage and overtime laws. He said this bill is a result of some litigation, Alden vs. Maine, that caused some confusion for employers as to whether or not they were subject to the Fair Labor Standards Act or Montana's provisions. This bill brings the two in line with each other. He said the bill also provides exceptions for some people from overtime. He gave an example of a County Commissioner decided to take tickets at the fair, since this is totally different from his regular job he would not be paid overtime for this work. He then handed the committee a proposed amendment. **EXHIBIT (bus26a01)**

Proponents' Testimony:

Tom Schneider, MT Public Employees' Association, said state employees are now covered by the Fair Labor Standards Act, which is a federal minimum wage and overtime act. He further stated that this bill is meant to affirm that state employees are covered by the Fair Labor Standards Act and by the minimum wage law.

Jack Holstrom, State Board of Appeals, restated that the purpose of this bill is to bring the Fair Labor Standards Act under Montana law so it covers public employees.

Opponents' Testimony: None

Informational Witness:

John Andrew, Department of labor and Industry, said there has been some confusion in the private realm as well, which, he stated, this bill would help alleviate.

Questions from Committee Members and Responses:

SENATOR DON RYAN, asked about what would be available to state employees for comp time under this legislation.

Tom Schneider replied, said it wouldn't change because they are already under the Fair Labor Act.

Closing by Sponsor:

REPRESENTATIVE DAVE GALLIK, HD 62, HELENA closed without comment.

HEARING ON SB 277

Sponsor: **SENATOR DEBBIE SHEA, SD 18, BUTTE/SILVERBOW**

Proponents: **Dick Grover, Building Codes Council**
 Jerry Lyford, Board of Licensed Plumbers
 Byron Roberts, MT Building Industry Association
 Carl Schweitzer, Plumbing & Heating Contractors
 Jo Hawkins, Citizen Rep on Board of Commerce
 Jacqueline Lenmark, American Insurance Association
 Mike Tehle, Alpine Plumbing
 Bill Jellison, Department of Commerce

Opponents: None

Opening Statement by Sponsor:

SENATOR DEBBIE SHEA, SD 18, BUTTE/SILVERBOW, said this bill deals specifically with people doing their own plumbing. It states that they would have to get a permit, and they would have to have their work inspected. She stated this does not stop a homeowner from doing their own plumbing, it just means it would have to be inspected. **EXHIBIT (bus26a02)**

Proponents' Testimony:

Dick Grover, Building Codes Council, said he thinks this is a necessary step to protect the health and safety of the public. He then handed out written comments. **EXHIBIT (bus26a03)**

Jerry Lyford, Board of Licensed Plumbers, said this would give a home buyer the assurance that the home was plumbed to a certain standard.

Byron Roberts, MT Building Industry Association, said this bill is very reasonable in that it retains the homeowner exemption, but it simply insures that the plumbing meets existing codes.

Carl Schweitzer, Plumbing & Heating Contractors, said a homeowner should have the right to do their own plumbing, but for health and safety of the public this legislation would see that they do it right.

Jo Hawkins, Citizen Representative on Board of Commerce, said this bill gives protection and accountability to the consumer.
EXHIBIT (bus26a04)

Jacqueline Lenmark, American Insurance Association, said she supports this legislation.

Mike Tehle, Alpine Plumbing, said he has had to repair some real messes when the plumbing had not been inspected.

Bill Jellison, Department of Commerce, supports this bill.

Opponents' Testimony: None

Questions from Committee Members and Responses:

SENATOR EDWARD BUTCHER asked what the fees were going to be, and who would be paying for this.

Bill Jellison said the inspections would be paid for by the fees charged the homeowners for the permit.

SENATOR MIKE SPRAGUE asked if setting a stool would be covered under this.

Bill Jellison said no, the permit would cover the plumbing inside the walls. He further stated the kind-for-kind change out of fixtures would not need to be permitted or inspected.

CHAIRMAN MIKE TAYLOR asked for clarification on an example of a homeowner who had bought a house with plumbing problems and now wanted to fix them, would they need a permit.

Bill Jellison said if it involves changing the drainage, waste and vent or altering the water tube or adding a vent a permit would be required.

SENATOR SPRAGUE asked if this bill exempted hobby farmers.

Bill Jellison said no, but it does exempt bona fide farms and ranches.

Closing by Sponsor:

SENATOR DEBBIE SHEA, SD 18, BUTTE/SILVERBOW, said this is simply a matter of assuring potential home buyers that their plumbing has met the minimum requirement of the plumbing code.

EXHIBIT (bus26a05)

HEARING ON HB 155

Sponsor: REPRESENTATIVE MARK NOENNIG, HD 9, BILLINGS

Proponents: Loren Solberg, Montana Land & Title Association
Bill Gowen, Helena Abstract & Title Company
Page Dringman, Montana Association of Realtors

Opponents: None

Opening Statement by Sponsor:

{Tape : 1; Side : B; Approx. Time Counter : 22.1}

REPRESENTATIVE MARK NOENNIG, HD 9, BILLINGS said this bill would remove the requirement of signing of a document waiving the homestead exemption when buying a home. He said this document doesn't do any good or inform people of any rights they don't already have.

Proponents' Testimony:

Loren Solberg, Montana Land & Title Association, said the homestead exemption does not apply to a mortgage loan and when a homeowner is asked to sign a document to the effect that they are waiving their right to the homestead exemption it creates confusion and does more damage than good. He said this required document is redundant.

Bill Gowen, Helena Abstract & Title Company, said this bill would extend the amount of time for out of state people to get the document to the trustee from 30 days to 90 days.

Page Dringman, Montana Association of Realtors, said she supports the bill.

Opponents' Testimony: None

Questions from Committee Members and Responses:

SENATOR DON RYAN asked why there was a provision that parcels did not have to be surveyed if they were 40 acres or less.

REPRESENTATIVE NOENNING said he did not know.

Closing by Sponsor:

{Tape : 2; Side : A; Approx. Time Counter : 18.7}

REPRESENTATIVE MARK NOENNIG, HD 9, BILLINGS said this has no effect on homestead rights. He further clarified that the homestead exemption is not valid in a loan/purchase agreement anyway.

EXECUTIVE ACTION ON SB 253

Motion: SEN. COCCHIARELLA moved that **AMENDMENTS TO SB 253 BE ADOPTED.**

Discussion: Senator Cocchiarella stated that there is no time limit on these rental agreements. It can be for a week or a month or whatever the person wants it to be. Whenever they are done with it they just say, "come and get your property", and the agreement is then over.

Vote: Motion **carried unanimously.**

Motion/Vote: SEN. COCCHIARELLA moved that **SB 253 DO PASS AS AMENDED. Motion carried unanimously.**

EXECUTIVE ACTION ON HB 51

Motion/Vote: SEN. COCCHIARELLA moved that **HB 51 BE CONCURRED IN. Motion carried unanimously.**

EXECUTIVE ACTION ON HB 19

Motion: SEN. SPRAGUE moved **AMENDMENT TO HB 19.**

Discussion: This is conceptual amendment, which says the bill will be applicable upon passage and approval.

Vote: Motion **carried unanimously.**

Motion: SEN. BUTCHER moved that HB 19 BE CONCURRED IN AS AMENDED.

Discussion: SEN. COCCHIARELLA noted they would still have to pay unemployment. She also pointed out that they will need to have liability to cover what is taken away by this exemption.

Vote: Motion carried unanimously.

EXECUTIVE ACTION ON SB 121

Motion/Vote: SEN. TAYLOR moved that SB 121 BE TABLED. Motion carried 7-1 with Cocchiarella voting no.

EXECUTIVE ACTION ON SB 219

Motion/Vote: SEN. COCCHIARELLA moved that AMENDMENTS TO SB 219 BE ADOPTED. Motion carried unanimously.

Motion/Vote: SEN. COCCHIARELLA moved that SB 219 DO PASS AS AMENDED. Motion carried unanimously.

ADJOURNMENT

Adjournment: 9:50 A.M.

SEN. MIKE TAYLOR, Chairman

KYANNE KELLY, Secretary

MT/KK

EXHIBIT (bus26aad)